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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,097	09/28/2001	David F. Moore	IMM120A	7204

7590
James R. Riegel
801 Fox Lane
San Jose, CA 95131

06/17/2004

EXAMINER

WU, XIAO MIN

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 06/17/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,097

Applicant(s)

MOORE ET AL.

Examiner

XIAO M. WU

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-18,20-24 and 26-33 is/are rejected.
- 7) ☒ Claim(s) 3,19 and 25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-18, 20-24, 26-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Kramer (US Patent No. 5,184,319).

As to claims 1, 8, 18, 23, 30, 33, Kramer discloses an apparatus, comprising: a housing; a sensor (col. 3, line 55) coupled to the housing (see Fig. 5L), the sensor configured to detect a manipulation of at least a portion of the housing and to output sensor signals associated with the manipulation of the portion of the housing; an actuator (900, Fig. 9) coupled to the housing, the actuator coupled to the housing, the actuator configured to output a force associated with the sensor signals; and a first flex joint (501, Fig. 5A) and a second flex joint (502, Fig. 5A) being coupled to the housing and the actuator, the first flex joint and the second flex joint configured to transfer the force output from the actuator to the housing to produce a haptic feedback.

As to claims 2, 9, 21, 24, 27, 31, Kramer discloses the force is a rotary force (e.g. motor 900, Fig. 9).

As to claims 4, 20, 26, 32, Kramer discloses the force output by the actuator is associated with an approximately linear motion with respect to the housing, the haptic feedback having a linear direction associated with the linear motion of the actuator (col. 8, lines 18-32).

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As to claim 5, Kramer discloses that the housing included a substantially flat base configured to be in contact with a support surface, the movement of the actuator being substantially perpendicular to the substantially flat based of the housing 9see Fig. 5L).

As to claim 6, Kramer discloses a contact member (520, Fig. 5A) being coupled to the actuator and configured to transmit the inertial force to the user.

As to claim 7, Kramer discloses that the contact member (502) includes at least a portion of a top surface of the housing (see Fig. 5A).

As to claim 11, Kramer discloses the first flex joint (501) includes .a rotating shaft (907, Fig. 9) having a range of motion, the first flex joint includes at least one stop disposed within the range of motion of rotating shaft 9see col. 7, lines 25-35).

As to claims 12, 29, Kramer discloses that the actuator is configured move with a bi-directional action (e.g. the tension can be pulled and released).

As to claim 13, Kramer discloses that the device is a handheld device.

As to claim 14, Kramer discloses that the device functions as a mouse.

As to claims 15 and 16, Kramer discloses the haptic feedback is configured to be associated with a graphical representation display by a host computer.

As to claims 22, 28, Kramer discloses a collar coupled to the actuator.(see Fig. 2A).

Allowable Subject Matter

3. Claims 3, 19 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US Patent 6,686,901 is cited to teach a tactile feedback device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiao Wu whose telephone number is (703) 305-4721.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377

xw

June 13, 2004


**XIAO WU
PRIMARY EXAMINER
ART UNIT 2674**